

## **REMARKS**

Claims 1 – 28 have been examined. Claims 23 – 26 stand rejected under 35 U.S.C. §112, ¶2 as being indefinite; Claims 1, 2, 5 – 10, 16 – 22, and 26 – 28 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 6,557,758 (“Monico”); Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as unpatentable over Monico in view of U.S. Pat. No. 5,929,760 (“Tuttle”); and Claims 13 – 15 and 23 – 25 stand rejected under 35 U.S.C. §103(a) as unpatentable over Monico in view of U.S. Pat. No. 6,398,109 (“Ohki”), and further in view of U.S. Pat. Publ. No. 2003/0057276 (“Appalucci”).

### **1. §112 Rejections**

Applicants note that “such” was sometimes used in the originally filed claims to refer back to an antecedent. It was not used as part of exemplary language, the phrase “such as” never appearing in any claim, so that MPEP 2173.05(d) is respectfully believed not to be relevant. Furthermore, while Claims 23 – 26 were rejected because of use of the word “such,” other claims, including original Claims 1, 5, 11, 16, and 20, were not found to be indefinite even though they use a similar construction.

Nevertheless, in the interest of advancing prosecution, instances of use of the word “such” have either been deleted or substituted with the word “the” depending on grammatical context. These amendments do not change the scope of the claims.

### **2. Prior-Art Rejections**

Claims 16 – 22 have been canceled, rendering the rejections of those claims moot.

The other prior-art rejections are respectfully traversed. In the rejection of independent Claim 1, for example, the Office Action asserts that the limitation of “sequentially

moving each of the radio-frequency devices to a plurality of stations of a preparation device” is disclosed in Fig. 1 of Monico in the form of boxes 10, 11, 12, and 13 (Office Action, p. 4). Applicants disagree with this characterization of Monico. There is no disclosure in Monico of a preparation device having a plurality of stations to which radio-frequency devices are sequentially moved. Boxes 10, 11, 12, 13, and 17 are part of a flow diagram, and merely indicate steps in a disclosed method for “simple, accurate and inexpensive shipping and tracking of a product” (Monico, Col. 2, ll. 65 – 67). Monico is explicit in describing these as “procedures,” such as in the paragraph at Col. 3, ll. 32 – 48 of Monico. Nothing in Monico precludes these procedures from being performed manually at a single location, similar to the prior art described in the Application at p. 2, ll. 1 – 4, or in some other fashion.

Independent Claims 23 and 26 each recite a similar limitation that requires sequential movement to a plurality of stations of a preparation device. Since those limitations are not disclosed in the reference, each of the independent claims is believed to be patentable. For purposes of clarification, when the stations are referred to in the claims through the use of ordinal numbers such as “first,” “second,” etc., language has been added to the claims to emphasize that these refer to distinct stations.

The various dependent claims are believed also to be patentable by virtue of their dependence from patentable claims. It is noted, however, that certain of the dependent claims such as Claims 7, 9, and 28 recite limitations related to the operation of the preparation so that at least they too include limitations not disclosed in the cited art.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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